04/29/2020

Michael Marquis, FOIA Officer:

Hubert H. Humphrey Building, Room 729H
200 Independence Avenue, SW
Washington, DC 20201

Dear Mr. Michael Marquis, FOIA Officer:

Under the Freedom of Information Act, I am an individual seeking information for personal use and am requesting access to:

- Copies of any medical employability/reasonable accommodation evaluation requests the Medical Employability Program (MEP) within the Federal Occupational Health (FOH) Office received from The Health Resources and Service Administration (HRSA) or any office of HHS regarding Claudia M. Rausch (myself) during March 2, 2020 through April 24, 2020.

- If the FOH has not yet received such a request for a reasonable accommodation evaluation during that timeframe, please respond stating so.

- If the FOH has received such a request, please provide the name of the medical professional and a copy of the documented medical records created in evaluating Claudia Rausch (self).

- I am also requesting a copy of the standard operating procedure for providing reasonable accommodation evaluations to agencies within HHS.

I am willing to pay fees for this request up to a maximum of $50. If you estimate that the fees will exceed this limit, please inform me before processing my request. If you have any questions regarding this request, please contact me at 915-422-4583 or claudiamarausch@hotmail.com .

First-Party Verification Information:

- Full Name: Claudia Marietta Rausch
- Current address: 5401 McGrath Blvd, Apt 212, North Bethesda, MD 20852
- Date of Birth: August 10, 1985
- Place of Birth: El Paso, TX, United States
-

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above, and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than $10,000 or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under false pretences is punishable under the provisions of 5 U.S.C. 552a(i)(3) by a fine of not more than $5,000.

I look forward to receiving your response within the twenty day statutory time period. Thank you for your consideration of this request. If you deny any part of this request, please cite each specific exemption that you rely on to justify your refusal to release the information and notify me of appeal procedures available under the law.

Your time and attention to this matter is greatly appreciated.

Sincerely,

Claudia Rausch

Claudia Rausch
915-422-4583
claudiamarausch@hotmail.com

Re: FOIA Request - C. Rausch

Claudia Marie Rausch <claudiamarausch@hotmail.com>

Thu 5/28/2020 7:56 PM

To: Trent, Jacqueline (OS/ASPA) (CTR) <Jacqueline.Trent@hhs.gov>
Cc: Gaylord, Brandon (OS/ASPA) <Brandon.Gaylord@hhs.gov>

Hello Ms. Trent,

Thank you for your prompt response.

I did recently resubmit the 4/29/2020 request online under the impression that perhaps my original request didn't go through - so it is the same request. If you received duplicates, feel free to disregard the duplicates.

I just reviewed my emails and I don't have record of ever receiving an acknowledgment letter; that's why I was a bit worried.

Anyhow, thank you for your help and follow-up with the program office - I would greatly appreciate an estimated date.

Regards,

Claudia Rausch
claudiamarausch@hotmail.com
915-422-4583

Sent from my iPhone

> On May 28, 2020, at 8:22 AM, Trent, Jacqueline (OS/ASPA) (CTR) <Jacqueline.Trent@hhs.gov> wrote:
>
> Good morning Ms. Rausch;
>
> We have been experiencing a bit of a backlog of FOIA cases due to the coronavirus epidemic. An acknowledgement letter was emailed to you in reference to your 4/29/2020 request. Is the online request that you submitted a duplicate of the 4/29/20 request, or is that a new FOIA request? Please advise; as we would not want anything to be missed.
>
> In the meantime, I will follow up with the program office to see if I am able to obtain an ***estimated*** date of when can expect the responsive records; which will then need to be reviewed in our office before they can be released.
>
> Thank you for your continued patience as we work to resolve this issue, and please let us know if you have additional questions or concerns.
>
> Regards,

Jackie Trent

Jacqueline Trent
Government Information Specialist (Contractor)

Department of Health and Human Services (HHS)
Freedom of Information/Privacy Act Division
200 Independence Avenue, S.W.
Washington, DC

From: Claudia Marie Rausch <claudiamarausch@hotmail.com>
Sent: Wednesday, May 27, 2020 10:13 AM
To: Gaylord, Brandon (OS/ASPA) <Brandon.Gaylord@hhs.gov>
Cc: Trent, Jacqueline (OS/ASPA) (CTR) <Jacqueline.Trent@hhs.gov>
Subject: Re: FOIA Request - C. Rausch

Thank you for your attention to this matter, Mr. Gaylord and Ms. Trent.

I look forward to your response.

Regards,

Claudia Rausch

On May 27, 2020, at 9:37 AM, Gaylord, Brandon (OS/ASPA) <Brandon.Gaylord@hhs.gov> wrote:

Jackie,

Please provide Ms. Rausch with a status update for 2020-01243-FOIA-PHS.

Thanks,
Brandon

From: Claudia Marie Rausch <claudiamarausch@hotmail.com>
Sent: Friday, May 22, 2020 7:43 PM
To: Gaylord, Brandon (OS/ASPA) <Brandon.Gaylord@hhs.gov>; OS FOIA Request (HHS/ASPA) <FOIARequest@hhs.gov>
Subject: Fwd: FOIA Request - C. Rausch

Good evening Mr. Gaylord,

I submitted the attached FOIA request via your online portal as well as through an email to FOIArequest@psc.hhs.gov on April 29, 2020 and I haven't heard back.

Per Mr. Marquis's auto-reply, would you be able to provide me with a status update please? Or please let me know if there's any further information you need from me in order to process the request?

Thank you,

Claudia Rausch
Claudiamarausch@hotmail.com
915-422-4583

Sent from my iPhone

Begin forwarded message:

> **From:** Claudia Marie Rausch <claudiamarausch@hotmail.com>
> **Date:** May 22, 2020 at 7:03:16 PM EDT
> **To:** "Michael.Marquis@hhs.gov" <Michael.Marquis@hhs.gov>
> **Subject: Fwd: FOIA Request - C. Rausch**
>
> Good evening Mr. Marquis,
>
> I sent the attached FOIA request to your FOIArequest@psc.hhs.gov email address and via the online portal on April 29, 2020. I have not heard back yet. Can you please let me know if you've received it and when I can expect to receive a response? Your time and attention to this matter would be greatly appreciated.
>
> Thank you,
>
> Claudia Rausch
> claudiamarausch@hotmail.com
> 915-422-4583
>
> Sent from Outlook Mobile
>
> ---
>
> **From:** Claudia Marie Rausch <claudiamarausch@hotmail.com>
> **Sent:** Wednesday, April 29, 2020 7:31:42 PM
> **To:** FOIArequest@psc.hhs.gov <FOIArequest@psc.hhs.gov>
> **Subject:** FOIA Request - C. Rausch
>
> Good evening Mr. Marquis:
>
> Please note, I submitted this FOIA request via your online system and it's also attached. Please confirm your receipt of this and let me know if you need any additional information from me in order to process this request.
>
> Best Regards,
>
> Claudia Rausch
> 915-422-4583

<FOIA request 4-29-2020.pdf>

Sent from my iPhone

EXHIBIT Y

RE: GAO re: HHS - Falsification of Medical Reviews

Phoenix, Candyce <Candyce.Phoenix@mail.house.gov>
Thu 8/6/2020 2:35 PM
To: Claudia Marie Rausch <claudiamarausch@hotmail.com>

Hi Claudia,

Thanks for this. I will ask HHS for the FOH guidelines or rules that govern their review and let you know what I hear.

And I understand re: your privacy waiver. I will use it only to obtain the physician's notes for you unless you authorize something further.

Candyce Phoenix
Staff Director
House Committee on Oversight and Reform | Democratic Staff
Subcommittee on Civil Rights and Civil Liberties

From: Claudia Marie Rausch <claudiamarausch@hotmail.com>
Sent: Thursday, August 6, 2020 10:51 AM
To: Phoenix, Candyce <Candyce.Phoenix@mail.house.gov>
Subject: Re: GAO re: HHS - Falsification of Medical Reviews

Hi Candyce,

In thinking about your question regarding your offer to help me or provide me with information in addition to the FOH physician's direct notes you believe are missing from the Agency's denial of the reasonable accommodation, I thought of something and wanted to follow-up.

Can you obtain and provide me with the HHS Office of Federal Occupational Health's (FOH) current policies and procedures that describe how their medical staff makes decisions regarding their recommendations in response to reasonable accommodation (RA) requests, please?

As I mentioned during our call, I'm completely certain the medical review quoted by the Agency in their denial of my reasonable accommodation is a falsified medical opinion. You indicated it is a norm within FOH for their physicians to not examine an employee when making recommendations for an RA so I'm open to understanding and hearing a credible alternative to my conclusion. Are there any existing policies, laws, regulations or authoritative sources that support the FOH's approach to making RA determinations in this way or that support a contradictory conclusion to mine? If so, can you please provide it? I would greatly appreciate it.

As I mentioned during our call, my primary reason for contacting Congressman Raskins and your office was out of concern for Federal Employees who are being denied RAs through falsified medical opinions, and not at all with the intent to seek help ~~regarding~~ my personal circumstances. Although I appreciate you offering your help, can you tell me when I can expect to hear back from your office regarding the specific concerns and request I voiced to Congressman Raskins? To recap, my request was for his support in ensuring a stop is put to the falsification of medical opinions that I believe are being used to unlawfully deny federal employees' reasonable accommodations; which he then forwarded to your office. You asked me about who else I've contacted regarding this matter; since two Senators and an outside investigative body have gotten back to me, does that mean the U.S. House Committee of Oversight and Reform will no longer consider my request? I thought the Committee had broader investigative resources and responsibilities but am not sure what the process is.

I also wanted to note that my privacy release to Congressman Raskins is intended only to support the matter of unlawful denials of RAs to federal employees as voiced in my correspondence, not my personal circumstances, and I provided it to you solely for the purpose of obtaining the FOH physician's notes for my use only, I don't authorize the use of my privacy release for any other purpose.

Anyhow, I look forward to your response.

Hope you're having a good week.

Thank you,

Claudia Rausch

On Jul 31, 2020, at 8:15 PM, Phoenix, Candyce <Candyce.Phoenix@mail.house.gov> wrote:

Thank you! I will follow up when I have an answer.

Candyce Phoenix
Staff Director
House Committee on Oversight and Reform | Democratic Staff
Subcommittee on Civil Rights and Civil Liberties

From: Claudia Marie Rausch <claudiamarausch@hotmail.com>
Sent: Friday, July 31, 2020 5:55 PM
To: Phoenix, Candyce <Candyce.Phoenix@mail.house.gov>
Subject: Re: GAO re: HHS - Falsification of Medical Reviews

Hi Candyce,

Per our conversation, my signed privacy release for Congressman Raskins' office is attached.

Thank you so much for your help.

Best,

Claudia Rausch

Re: GAO re: HHS - Falsification of Medical Reviews

Claudia Marie Rausch <claudiamarausch@hotmail.com>
Fri 7/31/2020 11:18 AM
To: Phoenix, Candyce <Candyce.Phoenix@mail.house.gov>

My pleasure! Sounds good, talk to you then.

Claudia

> On Jul 31, 2020, at 11:17 AM, Phoenix, Candyce <Candyce.Phoenix@mail.house.gov> wrote:
>
> Thanks for your patience! I will give you a call at 5.
>
> **Candyce Phoenix**
> Staff Director
> House Committee on Oversight and Reform | Democratic Staff
> Subcommittee on Civil Rights and Civil Liberties
>
> ---
>
> **From:** Claudia Marie Rausch <claudiamarausch@hotmail.com>
> **Sent:** Friday, July 31, 2020 11:17 AM
> **To:** Phoenix, Candyce <Candyce.Phoenix@mail.house.gov>
> **Subject:** Re: GAO re: HHS - Falsification of Medical Reviews
>
> No problem, Candyce. I completely understand. After 5 pm today works for me.
>
> The best number to reach me at is 915-422-4583. Please let me know if anything changes, otherwise I'll be waiting for your call.
>
> I look forward to speaking with you.
>
> Claudia
>
> Sent from my iPhone
>
> > On Jul 31, 2020, at 11:12 AM, Phoenix, Candyce <Candyce.Phoenix@mail.house.gov> wrote:
> >
> > My apologies, Claudia. Been a bit swamped. I can talk any time after 5 pm today, if that is not too late in the day. If it is, let me know your updated availability this afternoon and I will make room.
> >
> > **Candyce Phoenix**
> > Staff Director
> > House Committee on Oversight and Reform | Democratic Staff

Subcommittee on Civil Rights and Civil Liberties

From: Claudia Marie Rausch <claudiamarausch@hotmail.com>
Sent: Friday, July 31, 2020 11:11 AM
To: Phoenix, Candyce <Candyce.Phoenix@mail.house.gov>
Subject: Re: GAO re: HHS - Falsification of Medical Reviews

Hi Ms. Phoenix,

I apologize we haven't had an opportunity yet to talk this week. I will be happy to accommodate your schedule if you would still like to discuss this matter.

Best,

Claudia Rausch
915-422-4583

> On Jul 28, 2020, at 11:13 AM, Claudia Marie Rausch <claudiamarausch@hotmail.com> wrote:
>
> Hello Ms. Phoenix,
>
> Thank you very much for your follow-up. I am available for a phone call this week.
>
> Tomorrow, on Wednesday after 3 pm would work or anytime after 1:30 pm on Thursday or anytime on Friday. Today after 2:30 pm also works, please let me know what's best for you.
>
> Best,
>
> Claudia Rausch
> 915-422-4583
>
> Sent from my iPhone
>
> > On Jul 28, 2020, at 11:07 AM, Phoenix, Candyce <Candyce.Phoenix@mail.house.gov> wrote:
> >
> > Hi Claudia,
> >
> > Thank you for your patience. We have reviewed your documents. Are you available for a phone call this week?
> >
> > Best,
> >
> > **Candyce Phoenix**

Staff Director
House Committee on Oversight and Reform | Democratic Staff
Subcommittee on Civil Rights and Civil Liberties

From: Claudia Marie Rausch <claudiamarausch@hotmail.com>
Sent: Thursday, June 11, 2020 12:32 PM
To: Phoenix, Candyce <Candyce.Phoenix@mail.house.gov>
Subject: Re: GAO re: HHS - Falsification of Medical Reviews

Good afternoon, Ms.Phoenix,

I definitely do. Attached is my summary of facts and all supporting evidence referenced in the summary.

Please let me know if there's anything else you need from me.

Thank you,

Claudia Rausch

July 31, 2020 phone call from Candyce Phoenix